

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

|                    |   |           |
|--------------------|---|-----------|
| LATASHA BLACKWELL, | ) |           |
|                    | ) |           |
| Plaintiff,         | ) |           |
|                    | ) |           |
| v.                 | ) | 1:11CV328 |
|                    | ) |           |
| CITY OF CONCORD,   | ) |           |
|                    | ) |           |
| Defendant.         | ) |           |

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This matter comes before the undersigned United States Magistrate Judge for a recommended ruling on a Motion to Dismiss filed by former Defendant City of Concord Parks and Recreation Department (Docket Entry 11), which asserted that the Court should dismiss this action due to the lack of amenability to suit of then-Defendant City of Concord Parks and Recreation Department and the insufficiency of the service of process as to said then-Defendant (see id. at 1-2). For the reasons placed on the record at a hearing on September 22, 2011, the Court permitted Plaintiff to file an Amended Complaint that substituted Defendant City of Concord for then-Defendant City of Concord Parks and Recreation Department. (See Docket Entry dated Sept. 22, 2011.) Moreover, Plaintiff now has filed that Amended Complaint (Docket Entry 19) and, with the consent of Defendant City of Concord (see Docket Entry 18), service of process on Defendant City of Concord was effected via the Court's CM/ECF system. As a result, the Motion to Dismiss of former Defendant City of Concord Parks and Recreation Department should be denied as moot.

**IT IS THEREFORE RECOMMENDED** that the Motion to Dismiss filed by the City of Concord Parks and Recreation Department (Docket Entry 11) be **DENIED AS MOOT**.

/s/ L. Patrick Auld  
**L. Patrick Auld**  
**United States Magistrate Judge**

November 1, 2011